



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 10, 1998

Ms. Roxanna M. Gonzales  
Assistant City Attorney  
Human Resources Division  
City of San Antonio  
P.O. BOX 839966  
San Antonio, Texas 78283-3966

OR98-1432

Dear Ms. Gonzales:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115992.

The City of San Antonio (the "city") received a request for information regarding life insurance of a deceased employee. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from required public disclosure information that is considered confidential by law, either constitutional, statutory, or by judicial decision. Information may be withheld under section 552.101 in conjunction with the common-law right to privacy (1) if the information contains highly intimate or embarrassing facts about a person's private affairs such that release of the information would be highly objectionable to a reasonable person, and (2) if the information is of no legitimate concern to the public. *Industrial Found. of the S. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Because an individual's common-law privacy rights lapse upon the death of the individual, the information at issue may not be withheld on the basis of the deceased employee's common-law privacy interests. Open Records Decision No. 272 (1981).

However, the beneficiaries appear to have a common-law right of privacy in the financial information at issue. Open Records Decision No. 373 (1983) at 3 (financial information about an individual may implicate privacy interests).

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<sup>1</sup>We note that in your initial brief you also asserted an exception from disclosure under section 552.115. You now state that the city is no longer claiming this exception.

Thus, you must de-identify the requested documents to remove the names of the beneficiaries and any other identifying information about the beneficiaries. The remaining requested information must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 115992

Enclosures: Submitted documents

cc: Ms. Patsy M. Moreno  
3826 Candlestone  
San Antonio, Texas 78244  
(w/o enclosures)